

Statement of Basis

for the DRAFT CAAPP Permit for:

Source Name:

Litchfield-Hillsboro Landfill

Statement of Basis No.: 99110105-14-10

I.D. No.: 135815AAE

Permit No.: 99110105

Date Prepared: October 24, 2014

Permitting Authority:

Illinois Environmental Protection Agency
Bureau of Air, Permit Section
217/785-1705

This Statement of Basis is being provided to USEPA and any interested parties as required by Section 39.5(8)(b) of the Illinois Environmental Protection Act.

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PREFACE

Reason For This Document

This document is a requirement of the permitting authority in accordance with 502(a) of the Clean Air Act, 40 CFR 70.7(a)(5), and Section 39.5(8)(b) of the Illinois Environmental Protection Act. Section 39.5(8)(b) of the Illinois Environmental Protection Act states the following:

"The Agency shall prepare a statement that sets forth the legal and factual basis for the Draft CAAPP permit conditions, including references to the applicable statutory or regulatory provisions."

Purpose Of This Document

The purpose of this Statement of Basis is to provide discussion regarding the development of this Draft CAAPP Permit. This document would also provide the permitting authority, the public, the source, and the USEPA with the applicability and technical matters that form the basis of the Draft CAAPP Permit.

Summary Of Historical Actions Leading Up To Today's Permitting Action

Litchfield-Hillsboro Landfill's (LHL) initial CAAPP permit was issued May 21, 2002. Since that time, LHL has periodically submitted administrative amendments to reflect changes in source contacts, including delegated authorities, responsible officials, and technical contacts.

The most recent revision to LHL's CAAPP permit was a minor modification, issued March 12, 2004. These revisions made changes to source contacts and addressed a new gasoline storage tank. (Note: since the issuance of the minor modification, the new gasoline storage tank has been removed from service.)

This renewal CAAPP permit reflects the current source contacts for LHL.

Limitations

This Statement of Basis is not enforceable and only sets forth the legal and factual basis for the Draft CAAPP Permit Conditions (Chapters I and II). Chapter III contains supplemental material that would assist in educating interested parties about this source and the Draft CAAPP Permit. The Statement of Basis does not shield the source from enforcement actions or its responsibility to comply with existing or future applicable regulations. Nor does the Statement of Basis constitute a defense to a violation of the Federal Clean Air Act or the Illinois Environmental Protection Act including implementing regulations.

This document does not purport to establish policy or guidance.

INTRODUCTION

The Clean Air Act Permit Program (CAAPP) is the operating permit program established in Illinois for major stationary sources as required by Title V of the federal Clean Air Act and Section 39.5 of the Illinois Environmental Protection Act. The Title V Permit Program (CAAPP) is the primary mechanism to apply the various air pollution control requirements established by the Clean Air Act to major sources, defined in accordance with Title V of the Clean Air Act. The Draft CAAPP Permit contains conditions identifying the state and federal applicable requirements that apply to the source. The Draft CAAPP Permit also establishes the necessary monitoring and compliance demonstrations. The source must implement this monitoring to demonstrate that the source is operating in accordance with the applicable requirements of the permit. The Draft CAAPP Permit identifies all applicable requirements for the various emission units as well as establishes detailed provisions for testing, monitoring, recordkeeping, and reporting to demonstrate compliance with the Clean Air Act. Further explanations of the specific provisions of the Draft CAAPP Permit are contained in the following Chapters of this Statement of Basis.

In addition, the Illinois EPA has committed substantial resources and effort in the development of an acceptable Statement of Basis (this document) that would meet the expectations of USEPA, Region 5. As a result, this document contains discussions that address applicability determinations, periodic monitoring, streamlining, prompt reporting, and SSM authorizations (as necessary). These discussions involve, where necessary, a brief description and justification for the resulting conditions and terms in this Draft CAAPP Permit. This document begins by discussing the legal basis for the contents of the Draft CAAPP Permit, moves into the factual description of the permit, and ends with supplemental information that has been provided to further assist with the understanding of the background and genesis of the permit content.

It is Illinois EPA's preliminary determination that this source's Permit Application meets the standards for issuance of a "Final" CAAPP Permit as stipulated in Section 39.5(10)(a) of the Illinois Environmental Protection Act (see Chapter I - Section 1.2 of this document). The Illinois EPA is therefore initiating the necessary procedural requirements to issue a Final CAAPP Permit. The Illinois EPA has posted the Draft CAAPP permit and this Statement of Basis on USEPA website:

<http://www.epa.gov/reg5oair/permits/ilonline.html>

CHAPTER I – LEGAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS

1.1 Legal Basis for Program

The Illinois EPA's state operating permit program for major sources established to meet the requirements of 40 CFR Part 70 are found at Section 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/39.5]. The program is called the Clean Air Act Permitting Program (CAAPP). The underlying statutory authority is found in the Illinois Environmental Protection Act at 415 ILCS 5/39.5. The CAAPP was given final full approval by USEPA on December 4, 2001 (see 66 FR 62946).

1.2 Legal Basis for Issuance of CAAPP Permit

In accordance with Section 39.5(10)(a) of the Illinois Environmental Protection Act, the Illinois EPA may only issue a CAAPP Permit if all of the following standards for issuance have been met:

- The applicant has submitted a complete and certified application for a permit, permit modification, or permit renewal consistent with Sections 39.5(5) and (14) of the Illinois Environmental Protection Act, as applicable, and applicable regulations (Section a. below);
- The applicant has submitted with its complete application an approvable compliance plan, including a schedule for achieving compliance, consistent with Section 39.5(5) of the Illinois Environmental Protection Act and applicable regulations (Section b. below);
- The applicant has timely paid the fees required pursuant to Section 39.5(18) of the Illinois Environmental Protection Act and applicable regulations (Section c. below); and
- The applicant has provided any additional information as requested by the Illinois EPA (Section d. below).

a. Application Status

The source submitted an application for a renewal CAAPP Permit on August 4, 2006. The source is currently operating under an application shield resulting from a timely and complete renewal application submittal. This Draft CAAPP Permit addresses application content and necessary revisions to meet the requirements for issuance of the permit.

b. Present Compliance Status

At the time of this Draft CAAPP Permit, there were no pending State or Federal enforcement actions against the source; therefore, a Compliance Schedule is not required for this source. The source submitted an approvable Compliance Plan as part of its Certified Permit Application. The source has certified compliance with all applicable rules and regulations. In addition, the draft permit requires the source to certify its compliance status on an annual basis.

c. Payment of Fees

The source is current on payment of all fees associated with operation of the emission units.

d. Additional Information

The source provided all the necessary additional application material as requested by the Illinois EPA in a Request for Additional Information, sent January 2, 2014. The response to the Request for Additional Information was received by the Illinois EPA October 3, 2014.

1.3 Legal Basis for Conditions in the CAAPP Permit

This industrial source is subject to a variety of Federal and SIP regulations, which are the legal basis for the conditions in this permit (see Sections a. and b. below). Also, the CAAPP provides the legal basis for additional requirements such as periodic monitoring, reporting, and recordkeeping. The following list summarizes those regulations that form the legal basis for the conditions in this Draft CAAPP Permit and are provided in the permit itself as the origin and authority.

a. Applicable Federal Regulations

Envotech-Illinois operates a Municipal Solid Waste (MSW) landfill emission unit that is subject to the following Federal regulations.

40 CFR Part 61 - Subpart M, Standard of Asbestos
40 CFR Part 63 - Subpart A, NESHAP General Provisions
40 CFR Part 63 - Subpart AAAAA, NESHAP for Municipal Solid Waste Landfills
40 CFR Part 82 - Subpart F, Ozone Depleting Substances

b. Applicable SIP Regulations

This source operates a MSW landfill emission unit that is subject to the following SIP regulations:

35 IAC Part 201 - Permits And General Provisions
35 IAC Part 212 - Visible And Particulate Matter Emissions
35 IAC Part 214 - Sulfur Limitations
35 IAC Part 220 - Nonmethane Organic Compounds
35 IAC Part 254 - Annual Emissions Report

c. Other Applicable Requirements

There are no other applicable requirements for this source.

CHAPTER II – FACTUAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS

2.1 Source History

Litchfield-Hillsboro Landfill (LHL), owned and operated by Envotech-Illinois, was constructed in 1975 and began accepting waste that same year. The landfill presently serves a small population and has not required expansion or modification that would make it subject to the Federal requirements for MSW landfills, 40 CFR 60 Subpart WWW. LHL operates under the SIP rules for MSW landfills, 35 IAC Part 220: Nonmethane Organic Compounds.

LHL installed a gas collection and control system (GCCS) in 2001 (Construction Permit 01110064) to comply with the SIP requirements for MSW landfills. Pursuant to the Federal Emission Guidelines for MSW landfills, 40 CFR 60 Subpart Cc, the installation of the GCCS did not constitute a “modification” to the landfill that would make it subject to 40 CFR 60 Subpart WWW. As of the time of this publication, no other permitting action has occurred.

2.2 Description of Source

SIC Code: 4953
County: Montgomery

Envotech-Illinois, LLC owns and operates a Municipal Solid Waste (MSW) landfill (known as the Litchfield-Hillsboro Landfill) located at 2782 Landfill Trail in Litchfield, Illinois. A MSW landfill is defined as an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA Subtitle D wastes (40 CFR 257.2) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. In addition, the landfill has an active landfill gas collection and control (GCCS) system that collects landfill gas (LFG) generated at the source and vents to an open flare.

The source contains the following processes:

<i>Emission Unit</i>	<i>Description</i>	<i>Significant Dates</i>	<i>Air Pollution Control Devices or Measures</i>
MSW Landfill	Active MSW Landfill	Constructed: 1975	Open Flare 1,600 scfm Commenced Operation: 2002

2.3 Single Source Status

This source does not have any collocated facilities that would be considered a single source with this facility based on information found in the certified application.

2.4 Ambient Air Quality Status for the Area

The source is located in an area that as of the date of permit issuance designated attainment or unclassifiable for the National Ambient Air Quality Standards for all criteria pollutants (carbon monoxide, lead, nitrogen dioxide,

ozone, PM_{2.5}, PM₁₀, sulfur dioxide). (See 40 CFR Part 81 - Designation of Areas for Air Quality Planning Purposes)

2.5 Source Status

The source requires a CAAPP Permit because the source is subject to a standard, limitation, or other requirement under Section 111 (NSPS) or Section 112 (HAPs) of the CAA for which USEPA requires a CAAPP Permit, or because the source is in a source category designated by the USEPA. Specifically, this source is subject to the Federal rules for Municipal Solid Waste (MSW) landfills, the NESHAP 40 CFR 63 Subpart AAAA.

Based on available data, this source is not a major source of emissions for GHG. Litchfield-Hillsboro Landfill voluntarily submitted data on its emissions of GHG in its 2013 AER, reporting actual annual emissions of GHG of 38,433 tons per year, total CO₂ equivalent. The CO₂ equivalent emissions consist of 12,243 tons of CO₂ and 1,047 tons of methane (totaling 38,433 tons CO₂ equivalent). No emissions of N₂O were reported.

This source is not currently subject to any "applicable requirements", as defined by Section 39.5(1) of the Act, for emissions of greenhouse gases (GHG) as defined by 40 CFR 86.1818-12(a), as referenced by 40 CFR 52.21(b)(49)(i). There are no GHG-related requirements under the Illinois Environmental Protection Act, Illinois' State Implementation Plan, or the Clean Air Act that apply to this facility, including terms or conditions in a Construction Permit addressing emissions of GHG or BACT for emissions of GHG from a major project at this facility under the PSD rules. In particular, the USEPA's Mandatory Reporting Rule for GHG emissions, 40 CFR Part 98, does not constitute an "applicable requirement" because it was adopted under the authority of Sections 114(a)(1) and 208 of the Clean Air Act. This permit also does not relieve the Permittee from the legal obligation to comply with the relevant provisions of the Mandatory Reporting Rule for this facility.

2.6 Annual Emissions

The following table lists annual emissions (tons) of criteria pollutants for this source, as reported in the Annual Emission Reports (AER) sent to the Illinois EPA:

<i>Pollutant</i>	<i>2013</i>	<i>2012</i>	<i>2011</i>
CO	30.23	30.78	22.57
NOx	5.55	5.66	5.64
PM	5.89	4.62	5.21
SO ₂	1.23	1.50	1.73
VOM	2.19	3.77	3.14
CO ₂	12,243.32	14,118.05	12,131.37
HAP (Toluene)	0.50	0.64	0.53

2.7 Fee Schedule

The following table lists the approved annual fee schedule (tons) submitted in the Source's permit application:

<i>Pollutant</i>		<i>Tons/Year</i>
Volatile Organic Material	(VOM)	2.72
Sulfur Dioxide	(SO ₂)	3.49
Particulate Matter	(PM)	16.40
Nitrogen Oxides	(NO _x)	15.93
HAP, not included in VOM or	(HAP)	3.40
Total		41.94

2.8 **SIP Permit Facts (T1 Limits)**

CAAPP Permits must address all “applicable requirements”, which includes the terms and conditions of preconstruction permits issued under regulations approved by USEPA in accordance with Title I of the CAA (See definition of applicable requirements in Section 39.5(1) of the Illinois Environmental Protection Act). Preconstruction permits, commonly referred to in Illinois as Construction Permits, derive from the New Source Review (“NSR”) permit programs required by Title I of the CAA. These programs include the two major NSR permit programs: (1) the Prevention of Significant Deterioration (“PSD”) program¹ and (2) the nonattainment NSR program.² These programs also encompass state construction permit programs for projects that are not major.

In the CAAPP or Illinois’s Title V permit program, the Illinois EPA’s practice is to identify requirements that are carried over from an earlier Title I permit into a New or Renewed CAAPP Permit as “TI” conditions (i.e., Title I conditions). Title I Conditions that are revised as part of their incorporation into a CAAPP Permit are further designated as “TIR”. Title I Conditions that are newly established through a CAAPP Permit are designated as “TIN”. It is important that Title I Conditions be identified in a CAAPP Permit because these conditions will not expire when the CAAPP Permit expires. Because the underlying authority for Title I Conditions comes from Title I of the CAA and their initial establishment in Title I Permits, the effectiveness of T1 Conditions derives from Title I of the CAA rather than being linked to Title V of the Act. For “changes” to be made to Title I Conditions, they must either cease to be applicable based on obvious circumstances, e.g., the subject emission unit is permanently shut down, or appropriate Title I procedures must be followed to change the conditions.

- There are no previously issued Construction Permits required to be incorporated into the CAAPP Permit.
- The Illinois EPA has not recently issued Construction Permits for this source.
- There are no newly issued Construction Permits for projects not yet constructed for this source.
- The following table lists the T1R Limits issued by the Illinois EPA and require incorporation into the CAAPP Permit prior to the proposal and issuance of this Draft CAAPP Permit.

<i>T1 Type</i>	<i>Condition</i>	<i>Subject</i>
T1R*	4.1.4(a) (Formerly Condition 7.1.12(g))	Revised emissions from the 1,600 scfm LFG flare

- * Limits were originally established in the CAAPP permit issued for the source on May 21, 2002 to clearly define the emission limits that apply to this emission unit. These T1R limits revise T1N limits per the request in the application.
- There are no extraneous or obsolete T1 conditions for the source.

CHAPTER III - SUPPLEMENTAL DISCUSSIONS REGARDING THE PERMIT

The information provided in this Chapter of the Statement of Basis is being provided to assist interested parties in understanding what additional information may have been relied on to support this draft CAAPP permit.

3.1 Environmental Justice Discussions

This location has not been identified as a potential concern for Environmental Justice consideration.

3.2 Emission Testing Results

Initial testing on the open flare was conducted on May 29, 2003 to demonstrate compliance with 40 CFR 60.18, pursuant to 35 IAC 220.210(d)(2)(C)(ii). The testing consisted of USEPA Methods 3C (methane heat value), 18 (flare gas heating value), and 22 (visible emissions). The open flare was able to demonstrate compliance with 40 CFR 60.18 and therefore passed its initial testing. As of the date of this publication, Envotech-Illinois has not been required to perform any other testing on the open flare. Data collected during the Method 22 test is shown:

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FUGITIVE OR SMOKE EMISSION INSPECTION OUTDOOR LOCATION			
Company <u>Envotech Landfill</u> Location <u>Litchfield, Ill</u> Company Rep. _____		Observer <u>Mike Duen</u> Affiliation <u>Air Analysis, Inc</u> Date <u>5-29-03</u>	
Sky Conditions <u>Clear</u> Precipitation <u>None</u>		Wind Direction <u>W</u> Wind Speed <u>5-10</u>	
Industry <u>Landfill Open Flare</u>		Process Unit _____	
Sketch process unit: indicate observer position relative to source; indicate potential emission points and/or actual emission points.			
<div style="display: flex; align-items: center;"><div style="flex: 1;"><p>Flare Tip Observation</p><p>10" duct 10" tip</p></div><div style="flex: 1; text-align: center;"><p>Yellow flame</p><p>25'</p></div><div style="flex: 1; text-align: right;"><p>Flare due West of observer about 50ft</p></div></div>			
OBSERVATIONS	Clock Time	Observation period duration, min:sec	Accumulated emission time, min:sec
Begin Observation	<u>8:26</u>	<u>8:46</u>	<u>20</u>
	<u>8:51</u>	<u>9:11</u>	<u>20</u>
	<u>9:16</u>	<u>9:36</u>	<u>20</u>
	<u>9:41</u>	<u>10:01</u>	<u>20</u>
	<u>10:06</u>	<u>10:26</u>	<u>20</u>
	<u>10:31</u>	<u>10:51</u>	<u>20</u>
End Observation	_____	_____	<u>120 min</u>

Figure 22-1

3.3 Compliance Reports (Annual Certifications, Semiannual Monitoring, NESHAP, etc.)

A review of the source's compliance reports demonstrates the sources ability to comply with all applicable requirements.

3.4 Field Inspection Results

A review of the source's latest field inspection report dated May 19, 2008 demonstrates the source's ability to comply with all applicable requirements.

3.5 Historical Non-Compliance

Litchfield-Hillsboro Landfill (LHL) was previously not in compliance with the requirements of 35 IAC 220.210(d), 220.280(b) and 220.280(c). To comply with these requirements, LHL was required to install a landfill gas collection and control system 30 months after their first NMOC emission rate equaled or exceeded 50 Mg/yr. The compliance date for this was April 2001. A compliance schedule was included as part of the initial CAAPP permit for LHL. Since this time, LHL has demonstrated compliance with all applicable regulations.

3.6 Source Wide Justifications and Rationale

Applicable Requirements Summary		
Applicable Requirement	Type	Location
Fugitive Particulate Matter (35 IAC 212.301 and 35 IAC 212.314)	Applicable Standard	See the Permit, Condition 3.1(a)

It should be noted that the opacity requirements of 35 IAC 212.123(a) (30% opacity) are subsumed by the Fugitive Particulate Matter requirements of 35 IAC 212.301, no visible emissions across the source property line. In this case, it is assumed that no visible emissions is equivalent to zero percent opacity. Further, the control measures requirement in the following summarized periodic monitoring also assures compliance in regard to 35 IAC 212.123(a).

Fugitive Particulate Matter Emissions

- ✓ Monitoring as follows (Condition 3.1(a)(ii)(A))
 - o Daily observations to demonstrate compliance with control measures requirements
- ✓ Recordkeeping as follows (Condition 3.1(a)(ii)(A)):
 - o Records of observations
- ✓ Reporting as follows (Condition 3.5(a)):
 - o Prompt reporting within 30 days of detecting a deviation

Rationale and Justification for Periodic Monitoring

Periodic Monitoring, at the current level of compliance, is sufficient for this source because:

- Source has not exhibited a history of non-compliance.

- Monitoring is consistent with that required for other MSW landfills permitted by Illinois EPA

Non-Applicability Discussion

The following source-wide non-applicability determination was made for this source:

- The Litchfield-Hillsboro Landfill (LFL) is not subject to the New Source Performance Standards (NSPS) for Municipal Solid Waste landfills, 40 CFR 60 Subpart WWW because the landfill has not underwent a modification or commenced new construction on or after May 30, 1991. The landfill gas collection and control system (GCCS) that was constructed in 2002 does not constitute a modification or new construction pursuant to 40 CFR 60 Subpart WWW because the GCCS was constructed as part of the SIP requirements.
- Condition 3.4(h) - Several internal combustion engines at the source were determined to be not subject to the requirements of 40 CFR Part 60 Subparts IIII and JJJJ and Part 63 Subpart ZZZZ, based upon all engines not meeting the applicability criteria in 40 CFR 60.4200, 60.4230 and 63.6585(a) and the definition of a Stationary reciprocating internal combustion engine (RICE) in 40 CFR 60.4219, 60.4248, and 63.6675, respectively, i.e., all engines at the source are mobile and meet the definition of a non-road engine as defined in 40 CFR 1068.30. Since applicability under the above is dependent upon a particular engine being stationary, limitations and periodic monitoring to verify nonapplicability were included in the permit.

Prompt Reporting Discussion

Prompt reporting of deviations for source wide emission units has been established as 30 days. See rationale in Chapter III Section 3.9.

3.7 Emission Unit Justifications and Rationale

a. MSW Landfill		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Visible Emissions (Opacity) Requirement (35 IAC 212.123(a) and 40 CFR 60.18(c)(1))	Applicable Limit	See the Permit, Condition 4.1.2(a)
SO ₂ Requirement (35 IAC 214.301)	Applicable Limit	See the Permit, Condition 4.1.2(b)
SIP Requirement (NMOC) (35 IAC Part 220)	Applicable Standards	See the Permit, Condition 4.1.2(c)
HAP Requirements (40 CFR 63 Subpart AAAAA)	Applicable Standards	See the Permit, Condition 4.1.2(d)
Asbestos Requirements (40 CFR 60 Subpart M)	Applicable Standard	See the Permit, Condition 4.1.2(e)

a. MSW Landfill		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Title 1 Requirements - T1R	Applicable Limit	See the Permit, Condition 4.1.4(a) (i) (A)

Visible Emissions (i.e., Opacity)

- ✓ Monitoring as follows (Condition 4.1.2(a)(ii)(A))
 - 30% opacity limitation - 35 IAC 212.123(a)/No visible emissions - 40 CFR 60.18(c)(1): Compliance monitoring for the open flare pursuant to 35 IAC 212.123(a) is subsumed by no visible emissions monitoring for 40 CFR 60.18(c)(1) using USEPA RM 22.
 - Monitoring the open flare on a semiannual basis. If visible emission from the flare are detected, the monitoring interval shall be increased from a semiannual to a quarterly interval until the Permittee can demonstrate the flare has no visible emission for three consecutive monthly monitoring periods of observation data. Thereafter, the Permittee is allowed to resume monitoring on the semiannual interval.
 - Monitoring by a third party is not required unless requested in writing;
 - The Permittee shall either take corrective action within 4 hours of such observation or indicate a deviation within the monitoring record.
 - A deviation shall be recorded in the monitoring record:
 - If an exceedance is observed and corrective action cannot be made within 48 hours;
 - If RM 22 is used to verify compliance, a deviation shall be indicated in the monitoring record if visible emissions are observed for more than a total of 5 minutes during the 2-hour observation period.
- ✓ Recordkeeping as follows (Condition 4.1.2(a)(ii)(B)):
 - Field data sheets of observations with notes as to whether the open flare was operating properly and An indication as to whether monitoring is on a monthly or quarterly basis;
 - Description of any corrective action taken including if the corrective action took place within 4 hours of the observation.
- ✓ Reporting as follows (Condition 4.1.5(a)):
 - Prompt reporting within 30 days.

Rationale and Justification for Periodic Monitoring

Periodic Monitoring, at the current level of compliance, is sufficient because:

- Monitoring is consistent with that required for other MSW landfills permitted by Illinois EPA.
- The zero opacity threshold for the open flare, i.e., no visible emissions, using Method 22, is a substantially narrower compliance threshold compared to the 30 percent opacity limit allowed under 35 IAC 212.123(a).

Sulfur Emissions

- ✓ Monitoring as follows (Condition 4.1.2(b)(A))
 - Volumetric Flow Throughput: gas flow rate measuring device
 - Annual LFG chemical and physical composition
 - Total reduced sulfur (TRS) – RM 15/16 or ASTM D5504; and
 - Annual compliance monitoring using volumetric flow throughput data from the gas collection and control system, i.e., 12 month average LFG flow throughput (cubic feet per minute) and an analysis of the LFG chemical and physical composition. Worst-case emissions are assumed since the dilution effect of other combustion components are not accounted for in the calculations. Where the maximum possible SO₂ concentration and mass (lb/hr and ton/yr) that can be emitted are calculated, assuming stoichiometric combustion, i.e., 0% excess air and 100% conversion of TRS to SO₂.
- ✓ Recordkeeping as follows (Condition 4.1.2(b)(C))
 - Design specifications for the flare.
 - LFG consumed by the flare, on a daily basis.
 - Maximum hourly emissions of SO₂, with supporting documentation.
 - Monthly and annual emissions of SO₂ from the affected flare (tons/month and tons/year) with supporting calculations.
 - An inspection/maintenance log.
 - Total sulfur content of the LFG and the results of the compliance verification analysis pursuant to Condition 4.1.2(b)(ii)(B), compliance with 35 IAC 214.301.
- ✓ Reporting as follows (Condition 4.1.5(a))
 - Prompt reporting within 30 days

Rationale and Justification for Periodic Monitoring

Periodic monitoring, at the current level of compliance, is sufficient for this emission unit because:

- Source has not exhibited a history of non-compliance
- Monitoring is consistent with that required for other MSW landfills permitted by Illinois EPA

Nonmethane Organic Compound (NMOC) Emissions

- ✓ Monitoring as follows (Condition 4.1.2(c)(vii))
 - Compliance with the Gas Collection and Control System(GCCS) design plan requirements in Condition 4.1.2(c)(iv)(b)
 - 35 IAC 220.270 – measure temperature, gauge pressure, and nitrogen or oxygen content at each wellhead
 - 35 IAC 220.270(c) – ensure continuous presence of flame for the open flare; record flow to or bypass of the flare
 - Monitor surface concentrations of methane according to procedures in 35 IAC 220.240(c) based on quarterly tests
- ✓ Recordkeeping as follows (Condition 4.1.2(c)(ix)):
 - 35 IAC 220.290 – waste acceptance, gas generation flow rate
 - For the open flare: flare type, visible emissions, heat content determination, flow rate or bypass flow rate, records of flare pilot flame

- Equipment operation parameters; plot map showing collector wells, including planned wells; nature, date of deposition, amount and location of asbestos-containing waste
- ✓ Reporting as follows (Conditions 4.1.2(c)(viii), (4.1.5(a) and (b))):
 - 35 IAC 220.280(a)(3) - An amended design capacity report within 90 days of an increase in the maximum design capacity of the landfill;
 - 35 IAC 220.280(d) - annual reports for exceedances;
 - 35 IAC 220.210(d)(2) -
 - Prompt reporting within 30 days

Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for this emission unit because:

- Monitoring rules established in 35 IAC Part 220 are similar to the Federal rules in 40 CFR 60 Subpart WWW.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with that required for other MSW landfills permitted by Illinois EPA.

HAP Emissions

- ✓ Monitoring as follows (Condition 4.1.2(d)(ii)(A))
 - 40 CFR 63.1960 - Compliance based upon compliance with 40 CFR 60 Subpart WWW, including performance testing, monitoring, and other credible evidence. Except that the Permittee must have a written SSM plan according to the provisions in 40 CFR 63.6(e)(3).
 - 40 CFR 63.1965 - deviations defined in 40 CFR 63.1990 to 40 CFR 63 Subpart AAAA
 - Fails to meet any term or condition that is adopted to implement an applicable requirement in 40 CFR 63 Subpart AAAA, including, but not limited to, any emissions limitation (including any operating limit) or work practice standard;
 - Fails to meet any term or condition that is adopted to implement an applicable requirement in 40 CFR 63 Subpart AAAA and that is included in the operating permit for any affected source required to obtain such a permit; or
 - Fails to meet any emission limitation (including any operating limit), or work practice standard in 40 CFR 63 Subpart AAAA during SSM, regardless of whether or not such failure is permitted by 40 CFR 63 Subpart AAAA.
 - Landfill monitoring and SSM plan requirements, deviations including the items in 40 CFR 63.1960(a) through (c).
- ✓ Recordkeeping as follows (Condition 4.1.2(d)(ii)(B)):
 - 40 CFR 63.1980(a) - records as specified in 40 CFR 60 Subpart WWW
 - 40 CFR 63.1980(b) - records as specified in the General Provisions of 40 CFR 63 Subpart A and 40 CFR 63 as shown in Table 1 of 40 CFR 63 Subpart AAAA. Applicable records in the general provisions include items such as SSM plans
 - 40 CFR 63.1980(g) - if leachate is applied in a controlled fashion to the waste mass then the owner or operator must keep a record of calculations showing that the percent moisture by weight expected in the waste mass to which a liquid is added is less than 40 percent.

- ✓ Reporting as follows (Condition 4.1.5(a) and (b)):
 - Prompt reporting within 30 days
 - NESHAP Reporting
 - 40 CFR 60.757(f) and 40 CFR 63.1980(a) - semi-annual exceedance reports as specified in 40 CFR 60 Subpart WWW; and
 - 40 CFR 63.1980(b) - reports as specified in the General Provisions of 40 CFR 60 Subpart A and 40 CFR 63 as shown in Table 1 of 40 CF# 63 Subpart AAAA. Applicable records in the General Provisions include items such as SSM plans.

Rationale and Justification for Periodic Monitoring

Periodic Monitoring, at the current level of compliance, is sufficient because:

- The source is subject to a standard promulgated after November 1990, i.e., 40 CFR 60 Subpart WWW and 40 CFR 63 Subpart AAAA, which already contains monitoring that is adequate to demonstrate compliance
- Source not exhibited a history of non-compliance
- Monitoring is consistent with that required for other MSW landfills permitted by Illinois EPA

Asbestos Emissions

- ✓ Monitoring as follows (Condition 4.1.2(e)(ii)(A))
 - Sections 39.5(7)(b) and (d) of the Act, the monthly inspection on all inactive and active ACWM disposal sites at the source to verify compliance with the visible emissions and/or cover requirements of Condition 4.1.2(f)(i)(A) and 40 CFR 61.151(a) and 61.154(c). Monitor for visible emissions using USEPA RM 22 or take corrective action if ACWM is exposed above ground.
- ✓ Recordkeeping as follows (Condition 4.1.2(e)(ii)(B)):
 - 40 CFR 61.154(e) - Asbestos-containing waste material received records
 - 40 CFR 61.154(f) - Records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.
 - Records of the inspection and/or corrective actions and data as per RM 22, as applicable.
- ✓ Reporting as follows (Condition 4.1.5(a) and (b)):
 - Prompt reporting within 30 days
 - NESHAP Reporting
 - 40 CFR 61.151(d) and 61.154(j), the owner or operator shall notify IEPA 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and covered as per 40 CFR 61.151 or 61.154;
 - 40 CFR 61.154(e)(1)(iv) - Report, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste and/or report immediately, if the discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received is not resolved within 15 days after receiving the waste; and

- 40 CFR 61.154(h) - Submit, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient because:

- There is a small likelihood of an exceedance since other permit requirements and/or regulations serve to insure compliance with 40 CFR Part 61 Subpart M, specifically the landfill is required to apply daily cover and final cover over the waste pursuant to their RCRA permit issued by the Illinois EPA Bureau of Land and the Permittee is required to make landfill cover integrity inspection and repair pursuant to 40 CFR 60.755(c)(5).
- Source has not exhibited a history of non-compliance.

Non-Applicability Discussion

Complex non-applicability determinations were not made for this emission unit. All non-applicability discussions can be found in the Draft CAAPP Permit.

Prompt Reporting Discussion

Prompt reporting of deviations has been established as 30 days. See rationale in Chapter III Section 3.9.

3.8 Insignificant Activities Discussion

There are no insignificant activities for the source subject to specific regulations which are obligated to comply with Sections 9.1(d) and Section 39.5 of the Act; Sections 165, 173, and 502 of the Clean Air Act; or any other applicable permit or registration requirements and therefore there are no periodic monitoring requirements that need to be separately addressed.

3.9 Prompt Reporting Discussion

Among other terms and conditions, CAAPP Permits contain reporting obligations to assure compliance with applicable requirements. These reporting obligations are generally four-fold. More specifically, each CAAPP Permit sets forth any reporting requirements specified by state or federal law or regulation, requires prompt reports of deviations from applicable requirements, requires reports of deviations from required monitoring and requires a report certifying the status of compliance with terms and conditions of the CAAPP Permit over the calendar year.

The number and frequency of reporting obligations in any CAAPP Permit is source-specific. That is, the reporting obligations are directly related to factors, including the number and type of emission units and applicable requirements, the complexity of the source and the compliance status. This four-fold approach to reporting is common to virtually all CAAPP Permits as described below. Moreover, this is the approach established in the Draft CAAPP Permit for this source.

Regulatory Reports

Many state and federal environmental regulations establish reporting obligations. These obligations vary from rule-to-rule and thus from CAAPP source to CAAPP source and from CAAPP Permit to CAAPP Permit. The variation is found in the report triggering events, reporting period, reporting frequency and reporting content. Regardless, the CAAPP makes clear that all reports established under applicable regulations shall be carried forward into the CAAPP Permit as stated in Section 39.5(7)(b) of the Illinois Environmental Protection Act. Generally, where sufficiently detailed to meet the exacting standards of the CAAPP, the regulatory reporting requirements are simply restated in the CAAPP Permit. Depending on the regulatory obligations, these regulatory reports may also constitute a deviation report as described below.

The Draft CAAPP Permit for this source would embody all regulatory reporting as promulgated under federal and state regulations under the Clean Air Act and the Illinois Environmental Protection Act. Depending on the frequency of the report, the regulatory report may also satisfy the prompt reporting obligations discussed below. These reports must be certified by a responsible official.

These reports are generally found in the reporting sections for each emission unit group. The various regulatory reporting requirements are summarized in the table at the end of this Reporting Section.

Deviation Reports (Prompt Reporting)

Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act mandates that each CAAPP Permit require prompt reporting of deviations from the permit requirements.

Neither the CAAPP nor the federal rules upon which the CAAPP is based and was approved by USEPA define the term "prompt". Rather, 40 CFR Part 70.6(a)(3)(iii)(B) intended that the term have flexibility in application. The USEPA has acknowledged for purposes of administrative efficiency and clarity that the permitting authority (in this case, Illinois EPA) has the discretion to define "prompt" in relation to the degree and type of deviation likely to occur at a particular source. The Illinois EPA follows this approach and defines prompt reporting on a permit-by-permit basis. In instances where the underlying applicable requirement contains "prompt" reporting, the Illinois EPA typically incorporates the pre-established timeframe in the CAAPP permit (e.g. a NESHAP or NSPS deviation report). Where the underlying applicable requirement fails to explicitly set forth the timeframe for reporting deviations, the Illinois EPA generally uses a timeframe of 30 days to define prompt reporting of deviations.

This approach to prompt reporting of deviations as discussed herein is consistent with the requirements of Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act as well as 40 CFR Part 70 and the CAA. The reporting arrangement is designed so that the source will appropriately notify the Illinois EPA of those events that might warrant attention. The timing for these event-specific notifications is necessary and appropriate as it gives the source enough time to conduct a thorough investigation into the causes of an event, collecting any necessary data, and developing preventive measures, to reduce the likelihood of similar events, all of which must be addressed in the notification for the deviation, while at the same time affording regulatory authority and the public timely and relevant information. The approach also affords the Illinois EPA and USEPA an opportunity to direct investigation and

follow-up activities, and to make compliance and enforcement decisions in a timely fashion.

The Draft CAAPP Permit for this source would require prompt reporting as required by the Illinois Environmental Protection Act in the fashion described in this subsection. In addition, pursuant to Section 39.5(7)(f)(i) of the Illinois Environmental Protection Act, this Draft CAAPP Permit would also require the source to provide a summary of all deviations with the Semi-Annual Monitoring Report. These reports must be certified by a responsible official, and are generally found in the reporting sections for each emission unit group.

Semi-Annual Monitoring Reports

Section 39.5(7)(f)(i) of the Illinois Environmental Protection Act mandates that each CAAPP Permit require a report relative to monitoring obligations as set forth in the permit. Depending upon the monitoring obligation at issue, the semi-annual monitoring report may also constitute a deviation report as previously discussed. This monitoring at issue includes instrumental and non-instrumental emissions monitoring, emissions analyses, and emissions testing established by state or federal laws or regulations or as established in the CAAPP Permit. This monitoring also includes recordkeeping. Each deviation from each monitoring requirement must be identified in the relevant semi-annual report. These reports provide a timely opportunity to assess for compliance patterns of concern. The semi-annual reports shall be submitted regardless of any deviation events. Reporting periods for semi-annual monitoring reports are January 1 through June 30 and July 1 through December 31 of each calendar year. Each semi-annual report is due within 30 days after the close of reporting period. The reports shall be certified by a responsible official. The Draft CAAPP Permit for this source would require such reports at Condition 3.5(b).

Annual Compliance Certifications

Section 39.5(7)(p)(v) of the Illinois Environmental Protection Act mandates that each CAAPP Permit require a source to submit a certification of its compliance status with each term and condition of its CAAPP Permit. The reports afford a broad assessment of a CAAPP sources compliance status. The CAAPP requires that this report be submitted, regardless of compliance status, on an annual basis. Each CAAPP Permit requires this annual certification be submitted by May 1 of the year immediately following the calendar year reporting period. The report shall be certified by a responsible official. The Draft CAAPP Permit for this source would require such a report at Condition 2.6(a).

Prompt reporting of deviations is critical in order to have timely notice of deviations and the opportunity to respond, if necessary. The effectiveness of the permit depends upon, among other important elements, timely and accurate reporting. The Illinois EPA, USEPA, and the public rely on timely and accurate reports submitted by the source to measure compliance and to direct investigation and follow-up activities. Prompt reporting is evidence of the source's good faith in disclosing deviations and describing the steps taken to return to compliance and prevent similar incidents.

Any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in this Draft CAAPP Permit is a deviation subject to prompt reporting. Additionally, any failure to comply with any permit term or condition is a deviation of that permit term or condition and must be reported to the Illinois EPA as a permit

deviation. The deviation may or may not be a violation of an emission limitation or standard. A permit deviation can exist even though other indicators of compliance suggest that no emissions violation or exceedance has occurred. Reporting permit deviations does not necessarily result in enforcement action. The Illinois EPA has the discretion to take enforcement action for permit deviations that may or may not constitute a deviation from an emission limitation or standard or the like, as necessary and appropriate.

As a result, the Illinois EPA's approach to prompt reporting of deviations as discussed herein is consistent with the requirements of Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act as well as 40 CFR Part 70 and the CAA. This reporting arrangement is designed so that the source will appropriately notify the Illinois EPA of those events that might warrant individual attention.

3.10 Periodic Monitoring General Discussions

Pursuant to Section 504(c) of the Clean Air Act, a Title V permit must set forth monitoring requirements, commonly referred to as "Periodic Monitoring", to assure compliance with the terms and conditions of the permit. A general discussion of Periodic Monitoring is provided below. The Periodic Monitoring that is proposed for specific operations and emission units and at this source is discussed in Chapter III of this Statement of Basis. Chapter III provides a narrative discussion of and justification for the elements of Periodic Monitoring that would apply to the different emission units and types of emission units at the facility.

As a general matter, the required content of a CAAPP Permit with respect to such Periodic Monitoring is addressed in Section 39.5(7) of the Illinois Environmental Protection Act.³ Section 39.5(7)(b) of the Illinois Environmental Protection Act⁴ provides that in a CAAPP Permit:

The Agency shall include among such conditions applicable monitoring, reporting, record keeping and compliance certification requirements, as authorized by paragraphs d, e, and f of this subsection, that the Agency deems necessary to assure compliance with the Clean Air Act, the regulations promulgated thereunder, this Act, and applicable Board regulations. When monitoring, reporting, record keeping and compliance certification requirements are specified within the Clean Air Act, regulations promulgated thereunder, this Act, or applicable regulations, such requirements shall be included within the CAAPP Permit.

Section 39.5(7)(d)(ii) of the Illinois Environmental Protection Act further provides that a CAAPP Permit shall:

Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require Periodic Monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit
...

Accordingly, the scope of the Periodic Monitoring that must be included in a CAAPP Permit is not restricted to monitoring requirements that were adopted through rulemaking or imposed through permitting. When applicable regulatory emission standards and control requirements or limits and control requirement in relevant Title 1 permits are not accompanied by compliance procedures, it is

necessary for Monitoring for these standards, requirements or limits to be established in a CAAPP Permit.^{5, 6} Monitoring requirements must also be established when standards and control requirement are accompanied by compliance procedures but those procedures are not adequate to assure compliance with the applicable standards or requirements.^{7, 8} For this purpose, the requirements for Periodic Monitoring in a CAAPP Permit may include requirements for emission testing, emissions monitoring, operational monitoring, non-instrumental monitoring, and recordkeeping for each emission unit or group of similar units at a facility, as required by rule or permit, as appropriate or as needed to assure compliance with the applicable substantive requirements. Various combinations of monitoring measures will be appropriate for different emission units depending on their circumstances, including the substantive emission standards, limitations and control requirements to which they are subject.

What constitutes sufficient Periodic Monitoring for particular emission units, including the timing or frequency associated with such Monitoring requirements, must be determined by the permitting authority based on its knowledge, experience and judgment.⁹ For example, as Periodic Monitoring must collect representative data, the timing of Monitoring requirements need not match the averaging time or compliance period of the associated substantive requirements, as set by the relevant regulations and permit provisions. The timing of the various requirements making up the Periodic Monitoring for an emission unit is something that must be considered when those Monitoring requirements are being established. For this purpose, Periodic Monitoring often consists of requirements that apply on a regular basis, such as routine recordkeeping for the operation of control devices or the implementation of the control practices for an emission unit. For certain units, this regular monitoring may entail "continuous" monitoring of emissions, opacity or key operating parameters of a process or its associated control equipment, with direct measurement and automatic recording of the selected parameter(s). As it is infeasible or impractical to require emissions monitoring for most emission units, instrumental monitoring is more commonly conducted for the operating parameters of an emission unit or its associated control equipment. Monitoring for operating parameter(s) serves to confirm proper operation of equipment, consistent with operation to comply with applicable emission standards and limits. In certain cases, an applicable rule may directly specify that a particular level of an operating parameter be maintained, consistent with the manner in which a unit was being operated during emission testing. Periodic Monitoring may also consist of requirements that apply on a periodic basis, such as inspections to verify the proper functioning of an emission unit and its associated controls.

The Periodic Monitoring for an emission unit may also include measures, such as emission testing, that would only be required once or only upon specific request by the Illinois EPA. These requirements would always be accompanied by Monitoring requirements would apply on a regular basis. When emission testing or other measure is only required upon request by the Illinois EPA, it is included as part of the Periodic Monitoring for an emission unit to facilitate a response by the Illinois EPA to circumstances that were not contemplated when Monitoring was being established, such as the handling of a new material or a new mode of operation. Such Monitoring would also serve to provide further verification of compliance, along with other potentially useful information. As emission testing provides a quantitative determination of compliance, it would also provide a determination of the margin of compliance with the applicable limit(s) and serve to confirm that the Monitoring required for an emission unit on a regular basis is reliable and appropriate. Such testing

might also identify specific values of operating parameters of a unit or its associated control equipment that accompany compliance and can be relied upon as part of regular Monitoring.

There are a number of considerations or factors that are or may be relevant when evaluating the need to establish new monitoring requirements as part of the Periodic Monitoring for an emission unit. These factors include: (1) The nature of the emission unit or process and its emissions; (2) The variability in the operation and the emissions of the unit or process over time; (3) The use of add-on air pollution control equipment or other practices to control emissions and comply with the applicable substantive requirement(s); (4) The nature of that control equipment or those control practices and the potential for variability in their effectiveness; (5) The nature of the applicable substantive requirement(s) for which Periodic Monitoring is needed; (6) The nature of the compliance procedures that specifically accompany the applicable requirements; (7) The type of data that would already be available for the unit; (8) The effort needed to comply with the applicable requirements and the expected margin of compliance; (9) The likelihood of a violation of applicable requirements; (10) The nature of the Periodic Monitoring that may be readily implemented for the emission unit; (11) The extent to which such Periodic Monitoring would directly address the applicable requirements; (12) The nature of Periodic Monitoring commonly required for similar emission units at other facilities and in similar circumstances; (13) The interaction or relationship between the different measures in the Periodic Monitoring for an emission unit; and (14) The feasibility and reasonableness of requiring additional measures in the Periodic Monitoring for an emission unit in light of other relevant considerations.¹⁰

CHAPTER IV – CHANGES FROM PREVIOUSLY ISSUED CAAPP PERMITS

4.1 Major Changes Summary

This renewal CAAPP draft is presented in a new format. The new format is the result of recommendations by the USEPA, comments made by sources, and interactions with the public.

	<i>Previous CAAPP Permit Layout</i>	<i>New CAAPP Permit Layout</i>
Section 1	Source Identification	Source Information
Section 2	List Of Abbreviations/Acronyms	General Permit Requirements
Section 3	Insignificant Activities	Source Requirements
Section 4	Significant Emission Units	Emission Unit Requirements
Section 5	Overall Source Conditions	Title I Requirements
Section 6	Emission Control Programs	Insignificant Activities
Section 7	Unit Specific Conditions	Other Requirements
Section 8	General Permit Conditions	State Only Requirements
Section 9	Standard Permit Conditions	---
Section 10	Attachments	Attachments

4.2 Specific Permit Condition Changes

This permit is issued pursuant to a CAAPP permit renewal application. The renewed permit reflects changes to the source contacts (see Condition 1.1), and addresses revised Title I [T1R] emission limits for the open flare (see Condition 4.1.4(a)(i)(A)). No federal or state requirements have changed or become applicable to this source since the issuance of Litchfield-Hillsboro Landfill's initial CAAPP permit. The Litchfield-Hillsboro Landfill continues to be subject to the Federal rules for HAPs from MSW landfills, 40 CFR 63 Subpart AAAA, and the SIP rules for nonmethane organic compounds, 35 IAC 220.

Endnotes

¹ The federal PSD program, 40 CFR 52.21, applies in Illinois. The Illinois EPA administers PSD permitting for major projects in Illinois pursuant to a delegation agreement with USEPA.

² Illinois has a state nonattainment NSR program, pursuant to state rules, Major Stationary Sources Construction and Modification ("MSSCM"), 35 IAC Part 203, which have been approved by USEPA as part of the State Implementation Plan for Illinois.

³ The provisions of the Act for Periodic Monitoring in CAAPP permits reflect parallel requirements in the federal guidelines for State Operating Permit Programs, 40 CFR 70.6(a)(3)(i)(A), (a)(3)(i)(B), and (c)(1).

⁴ Section 39.5(7)(p)(i) of the Act also provides that a CAAPP permit shall contain "Compliance certification, testing, monitoring, reporting and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit."

⁵ The classic example of regulatory standards for which Periodic Monitoring requirements must be established in a CAAPP permit are state emission standards that pre-date the 1990 Clean Air Act Amendments that were adopted without any associated compliance procedures. Periodic Monitoring must also be established in a CAAPP permit when standards and limits are accompanied by compliance procedures but those procedures are determined to be inadequate to assure compliance with the applicable standards or limits.

⁶ Another example of emission standards for which requirements must be established as part of Periodic Monitoring is certain NSPS standards that require initial performance testing but do not require periodic testing or other measures to address compliance with the applicable limits on a continuing basis.

⁷ The need to establish Monitoring requirements as part of Periodic Monitoring when existing compliance procedures are determined to be inadequate, as well as when they are absent, was confirmed by the federal appeals court in *Sierra Club v. Environmental Protection Agency*, 536 F.3d 673, 383 U.S. App. D.C. 109.

⁸ The need to establish Monitoring requirements as part of Periodic Monitoring is also confirmed in USEPA's Petition Response. USEPA explains that "...if there is periodic monitoring in the applicable requirements, but that monitoring is not sufficient to assure compliance with permit terms and conditions, permitting authorities must supplement monitoring to assure such compliance." Petition Response, page 6.

⁹ The test for the adequacy of "Periodic Monitoring" is a context-specific determination, particularly whether the provisions in a Title V permit reasonably address compliance with relevant substantive permit conditions. 40 CFR 70.6(c)(1); see also 40 CFR 70.6(a)(3)(i)(B); see also, *In the Matter of CITGO Refinery and Chemicals Company L.P.*, Petition VI-2007-01 (May 28, 2009); see also, *In the Matter of Waste Management of LA. L.L.C. Woodside Sanitary Landfill & Recycling Center, Walker, Livingston Parish, Louisiana*, Petition VI-2009-01 (May 27, 2010); see also, *In the Matter of Wisconsin Public Service Corporation's JP Pulliam Power Plant*, Petition V-2009-01 (June 28, 2010).

¹⁰ A number of these factors are specifically listed by USEPA in its Petition Response. USEPA also observes that the specific factors that it identifies in its Petition Response with respect to Periodic Monitoring provide "...the permitting authority with a starting point for its analysis of the adequacy of the monitoring; the permitting authority also may consider other site-specific factors." Petition Response, page 7.